REMARKS/ARGUMENTS

Claims 1-4, 6-14 and 16-25 were pending in this application. No claims have been amended, added, or canceled. Hence, claims 1-4, 6-14 and 16-25 remain pending. Reconsideration of the subject application as amended is respectfully requested.

Claims 1-4, 6-14 and 6-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over cited portions of U.S. Patent No. 6,259,692 to Shtivelman, *et al.* (hereinafter "Shtivelman"), in view of cited portions of U.S. Patent No. 6,353,611 to Norris, *et al.* (hereinafter "Norris").

Claim Rejections Under 35 U.S.C. § 103(a)

The Applicants respectfully traverse the rejection of all claims because the office action has not established a *prima facie* case of obviousness.

> To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

(MPEP § 2143) Here, the office action has not met all three criteria. Specifically, the office action does not cite a reference in the prior art that provides the necessary motivation or suggestion to combine the teachings of Norris with those of Shtivelman to achieve the Applicant's claimed invention. The Applicants note that,

> [o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

(MPEP § 2143.01) However,

> [t]he examiner may take official notice of facts outside the record which are capable of instant and unquestionable demonstration as being well-known in the art. ... If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that official notice can be taken, it is sufficient so to state. ... If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.

> When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts **must be supported, when called for by the applicant, by an affidavit** from the examiner.

(MPEP § 2144.03, emphasis added, citing 37 CFR §1.104(d)(2))

The Applicants have requested this reference or affidavit in previous Amendments to no avail. While the office action recites an alleged motivation beginning on page 5, the recited motivation appears to derive from the Examiner's personal knowledge. The Applicants, therefore, respectfully traverse the rejection and renew their request for either an express showing of documentary proof, or an affidavit specifically stating the facts within the personal knowledge of the Examiner, as required by 37 CFR §1.104(d)(2).

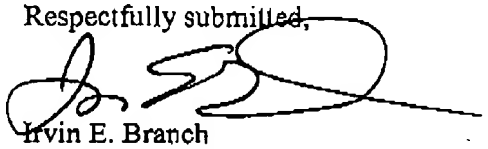
Claims 1, 11, and 23 are thus believed to be allowable. The remaining claims depend from one of claims 1, 11, and 23, and are believed to be allowable, at least for the reasons stated above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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